

Court of Appeals, State of Michigan

ORDER

People of MI v Calvin Jamal Smith

Docket No. 265545

LC No. 03-011285-FH

E. Thomas Fitzgerald
Presiding Judge

Kathleen Jansen

Deborah A. Servitto
Judges

The Court orders that the motion for reconsideration is DENIED.

This matter is REMANDED for RESENTENCING in accordance with this Court's July 7, 2006 order, which states:

The trial court sentenced defendant based on an incorrect score on prior record variable (PRV) 2. Defendant-appellant's prior record indicates only three prior low severity offenses; he should have received a score of twenty points, not thirty points on this variable. Correction of this score results in a change in his guidelines range. Thus, resentencing is required. *People v Francisco*, 474 Mich 82, 88-92; 711 NW2d 44 (2006). In addition, the sentencing court is directed to correct the judgment of sentence to reflect that defendant-appellant's felony-firearm sentence is to run consecutive to *both* the CCW and felon in possession sentences and that the latter sentences are to run concurrent to one another. MCL 750.227b(2). [*People v Calvin Jamal Smith*, unpublished order of the Court of Appeals, issued July 7, 2006 (Docket No. 265545).]

This order has immediate effect. MCR 7.215(F)(2).

We retain no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 29 2006

Date

Sandra Schultz Mengel
Chief Clerk